

1                                   **MINUTES OF THE REGULAR MEETING OF THE**  
2                                   **SAN MARCOS PLANNING AND ZONING COMMISSION**  
3                                   **CITY COUNCIL CHAMBERS**  
4                                   **April 22, 2008**

5  
6   **COMMISSIONERS PRESENT:**

Fred A. Terry, Chair  
Sherwood Bishop, Vice Chair  
Bill De Soto  
Steve Cline  
Ryan Thomason  
Bill Taylor

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13   **COMMISSIONERS ABSENT:**

Curtis Seebeck  
Ruben Becerra  
Randy Bryan

16  
17   **STAFF PRESENT:**

Cecil Pennington,  
Interim Director of Planning  
Andy Alarcón, Chief Planner  
Phil Steed, Planner  
Chance Sparks, Sr. Planner  
Janis Hendrix, Recording Secretary

23  
24   **OTHERS PRESENT:** Alex Eysse, Dan Norman, Steve Ramsey, Meghan Bailey, Aaron  
25   Wallendorf, Curt Thomason, Philip Ramirez, Mike Dallas, Alan Holt, Melissa Hollander,  
26   Michael Tucker, F. Mackenzie, K. Dees, Frank Calaber, David Kneuper, Emily Watson,  
27   Jim Watson, Kyle Mylius, Zachary Sanderford, Ryan Travis, David Sidney, Anthony  
28   Krupp, and Mindy Gieselman. .

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30   **Chairperson's Opening Remarks**

31  
32   Chair Terry welcomed the audience and called the meeting to order at 6:00 p.m.

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35   **Citizen Comment Period**

36  
37   No one signed up to speak.

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40   **CUP-08-09. Hold a public hearing and consider a request by Floyd MacKenzie, for**  
41   **a renewal and amendment to an existing Conditional Use Permit to allow**  
42   **construction of a duplex containing two residential dwelling units in a MU Mixed**  
43   **Use zoning district located at 433 West San Antonio Street.**  
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1 Chance Sparks informed the Commission that no negative reports have been received  
2 from other departments. He added that on March 27, 2007, the Planning Commission  
3 approved a CUP to allow Floyd MacKenzie to construct two additional duplexes on the  
4 site. He explained that subsequent to the approval of the CUP, the applicant  
5 encountered problems that resulted in severe project delays. At that time, Mr.  
6 MacKenzie had not secured any permits related to the development of the uses listed in  
7 the CUP. Mr. Sparks further explained that since the MacKenzie's had not received a  
8 permit by March 27, 2008 the CUP would expire. Therefore, staff contacted Mr.  
9 MacKenzie and recommended that he seek renewal of CUP prior to its expirations.  
10 Mr. MacKenzie informed staff that he no longer is seeking to develop the second duplex  
11 at the rear of the property. Mr. Sparks added that as a result, staff recommended the  
12 applicant amend the CUP to reflect the change. He stated that in addition to two  
13 residential units in the proposed duplex it is compatible with the surrounding uses and  
14 objectives listed in the Sector One Plan apply to this development. Staff provided the  
15 request to the Commission for their consideration and recommended approval of the  
16 Conditional Use Permit with the condition that the applicant shall meet all applicable  
17 Federal, State, and local codes and permitting requirements, including the Land  
18 Development Code; the applicant shall provide a minimum vertical clearance of 13'6"  
19 and minimum horizontal clearance of 20' throughout the fire access aisle at all times, to  
20 the satisfaction of the Fire Marshall.

21  
22 Chair Terry opened the public hearing. No one wished to speak and the public hearing  
23 was closed.

24  
25 **COMMISSIONER CLINE MADE A MOTION TO APPROVE CUP-08-09 WITH THE**  
26 **CONDITION THAT THE APPLICANT SHALL MEET ALL APPLICABLE FEDERAL,**  
27 **STATE, AND LOCAL CODES AND PERMITTING REQUIREMENTS, INCLUDING**  
28 **THE LAND DEVELOPMENT CODE; THE APPLICANT SHALL PROVIDE A MINIMUM**  
29 **VERTICAL CLEARANCE OF 13' 6" AND MINIMUM HORIZONTAL CLEARANCE OF**  
30 **20' THROUGHOUT THE FIRE ACCESS AISLE AT ALL TIMES, TO THE**  
31 **SATISFACTION OF THE FIRE MARSHALL. COMMISSIONER TAYLOR SECONDED**  
32 **THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 6-**  
33 **0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO,**  
34 **CLINE, TAYLOR, AND THOMASON VOTING AYE. COMMISSIONERS SEEBECK,**  
35 **BECERRA AND BRYAN WERE ABSENT.**

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38 **CUP-08-10. Hold a public hearing and consider a request by Kyle Mylius, on**  
39 **behalf of Root Cellar Cafe, for a renewal of a TABC Conditional Use Permit to**  
40 **allow the on-premise consumption of beer and wine for a restaurant located at**  
41 **215 N. LBJ.**

42  
43 Chance Sparks advised the Commission that in June 2006, the Root Cellar received a  
44 three-year renewal to their TABC Restricted CUP subject to conditions. Shortly after  
45 the renewal, the Root Cellar ceased to serve alcohol. Prior to that time, alcohol sales  
46 typically comprised approximately 10% of total sales. Mr. Sparks added that the  
47 ownership has changed and they intend to resume alcohol sales, requiring permit

1 renewal. He explained that the Root Cellar is a restaurant in the walk-out basement of  
2 the Donaldson Building. The floor plan shows 50 seats, one public exit and no off  
3 street parking requirements in the CBA. Mr. Sparks mentioned that the restaurant  
4 serves meals from 7 a.m. to 4 p.m. Sunday through Tuesday and 7 a.m. until 10 p.m.  
5 Wednesday through Saturday. The business is closed on Mondays. In addition,  
6 alcohol service will be provided from 11:00 a.m. until closing. Live music is not  
7 provided except for occasional acoustical guitar for background music and there is no  
8 permanent stage. Mr. Sparks said given the most recent approval was for three years  
9 and there has not been any issues, staff believes continuing the three year renewal is  
10 appropriate with the recent change in ownership. Staff recommended approval of the  
11 request for three years, subject to the point system, the applicant submit quarterly  
12 reports of sales receipts for alcohol and food sales, meet the reporting requirements as  
13 set forth in Section 4.3.4.2(b) (7) of the Land Development Code, not provide alcohol  
14 service to the waiting area; and not provide amplified music without first amending the  
15 CUP.

16  
17 Chair Terry opened the public hearing. No one wished to speak and the public hearing  
18 was closed.

19  
20 Commissioner Cline asked if condition #4 of the staff report, "not provide alcohol  
21 service to the waiting area" was specific to this case.

22  
23 Chance Sparks explained that item #4 is specific to this case because the waiting area  
24 is located outside of the business and alcohol is not allowed to be served outside of the  
25 building due to the license agreement with the city.

26  
27 **COMMISSIONER CLINE MADE A MOTION TO APPROVE CUP-08-10 FOR THREE**  
28 **YEARS, SUBJECT TO THE POINT SYSTEM, THE APPLICANT SUBMIT**  
29 **QUARTERLY REPORTS OF SALES RECEIPTS FOR ALCOHOL AND FOOD SALES,**  
30 **MEET THE REPORTING REQUIREMENTS AS SET FORTH IN SECTION 4.3.4.2(B)**  
31 **(7) OF THE LAND DEVELOPMENT CODE, NOT PROVIDE ALCOHOL SERVICE TO**  
32 **THE WAITING AREA; AND NOT PROVIDE AMPLIFIED MUSIC WITHOUT FIRST**  
33 **AMENDING THE CUP. COMMISSIONER THOMASON SECONDED THE MOTION.**  
34 **ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 6-0 WITH CHAIR**  
35 **TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO, CLINE, TAYLOR**  
36 **AND THOMASON VOTING AYE. COMMISSIONERS SEEBECK, BECERRA AND**  
37 **BRYAN WERE ABSENT.**

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40 **LUA-08-06. Hold a public hearing and consider a request by Baker-Aicklen, Inc.**  
41 **on behalf of Armbruster Holt LTD for a Land Use Map Amendment from**  
42 **Commercial (C) to High Density Residential (HDR) for 5.073 acres more or less**  
43 **located at the 2100-2200 Block of IH-35 North.**  
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1 Andy Alarcón gave a brief overview of the general location of the property. He advised  
2 the Commission that the applicant has requested to change the land use from  
3 Commercial to High Density Residential. Mr. Alarcón added that CFAN, Tilson Homes,  
4 Goodrich, and the River Ridge Industrial Park are along the stretch of IH 35. He  
5 stated based on the development in the area, staff recommended approval of the  
6 request.

7  
8 Chair Terry opened the public hearing.

9  
10 Dan Norman, representing Campus Crest Development, a student housing apartment  
11 developer explained that the proposed development is different than other  
12 developments in that it is a gated community to serve Texas State students. The  
13 Grove will include 2 and 3 bedroom units. Mr. Norman stated they are excited about  
14 coming to San Marcos. Mr. Norman provided the Commission with a brief power point  
15 presentation of the proposed development.

16  
17 Steve Ramsey, Baker-Aicklen & Associates, stated that he wanted to address the  
18 letters of concern regarding potential petroleum pollution and flooding. He explained  
19 that the Phase I Environmental Site Assessment indicates that there was no petroleum  
20 pollution. In regards to flooding, the building will be built 1' above the floodplain  
21 elevation. Mr. Ramsey mentioned that staff has recommended approval of the  
22 request and asked the Commission to support the request.

23  
24 Allen Holt, spoke in support of the request and asked the Commission for their support.  
25 Mr. Holt stated he was available to answer questions.

26  
27 No one else wished to speak and the public hearing was closed.

28  
29 Commissioner Taylor stated that he likes the concept and a great idea.

30  
31 Commissioner DeSoto asked Mr. Holt if he supported the project.

32  
33 Allen Holt expressed support of the land use map amendment and zoning change.

34  
35 Commissioner DeSoto asked staff to address the citizen flood concerns. He inquired if  
36 commercial development would create less flood danger. Commissioner DeSoto  
37 added that he was not opposed to the project.

38  
39 Cecil Pennington explained that approximately 75-80% of IH 35 east is in the floodplain.  
40 He added that commercial and multi family land use is a better designation than single  
41 family housing in regards to flooding concerns.

42  
43 Vice Chair Bishop pointed that the area along the river is Blanco Shoals green space  
44 which was donated by the Holt family for parkland several years ago.

1 COMMISSIONER TAYLOR MADE A MOTION TO APPROVE LUA-08-06.  
2 COMMISSIONER THOMASON SECONDED THE MOTION. ROLL WAS CALLED  
3 AND THE MOTION PASSED ON A VOTE OF 6-0 WITH CHAIR TERRY, VICE CHAIR  
4 BISHOP AND COMMISSIONERS DESOTO, CLINE, TAYLOR AND THOMASON  
5 VOTING AYE. COMMISSIONERS SEEBECK, BECERRA AND BRYAN WERE  
6 ABSENT.

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9 **ZC-08-06. Hold a public hearing and consider a request by Baker-Aicklen, Inc., on**  
10 **behalf of Armbruster Holt LTD for a Zoning Change from Future Development**  
11 **(FD) to Multi Family Residential District (MF-18) for 5.309 acres more or less**  
12 **located at the 2100-2200 Block of IH 35 North.**  
13

14 Andy Alarcón mentioned that the zoning change layout is a little different from the land  
15 use map in which there is an overlap for the zoning change request. He stated that the  
16 area is located across from River Ridge Exchange Apartments. Mr. Alarcón added that  
17 a majority of the property is part of a PDD that was previously approved under  
18 Ordinance 2002-14. The applicant is asking for the MF-18 zoning to be consistent with  
19 the property currently zoned MF-18. He added that a Texas State shuttle serves the  
20 area and runs every 20 minutes between the hours of 7:00 a.m. until 10:00 p.m. Staff  
21 recommended approval of the request.

22  
23 Chair Terry opened the public hearing.

24  
25 Dan Norman, representing Campus Crest Development, asked the Commission for  
26 their support of the request.

27  
28 No one else wished to speak and the public hearing was closed.  
29

30 **VICE CHAIR BISHOP MADE A MOTION TO APPROVE ZC-08-06. COMMISSIONER**  
31 **CLINE SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION**  
32 **PASSED ON A VOTE OF 6-0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND**  
33 **COMMISSIONERS DESOTO, CLINE, THOMASON AND TAYLOR VOTING AYE.**  
34 **COMMISSIONERS SEEBECK, BECERRA AND BRYAN WERE ABSENT.**  
35

36  
37 **PC-08-07(01) – Consider a request by David Kneuper, P.E., with Baker-Aicklen &**  
38 **Associates, Inc., on behalf of The Village of San Marcos (a 501(c) (3) non-profit**  
39 **organization) for approval of the concept plat of The Village of San Marcos,**  
40 **located at 2901 Hunter Road.**  
41

42 Phil Steed explained that the purpose of a Subdivision Concept Plan is to delineate the  
43 sequence and timing of development within a proposed subdivision, where the tract to  
44 be developed is part of a larger parcel of land owned or controlled by the applicant, in  
45 order to determine compliance with the City Master Plan and the availability and  
46 capacity of public improvements needed for the subdivision and the larger parcel. He  
47 stated that the Concept Plan has been reviewed by staff. In addition, the Engineering

1 Department has approved the Traffic Impact Analysis and has declared the Watershed  
2 Protection Plan (Phase 1) as substantially complete. Mr. Steed pointed out that three  
3 are issues related to parking, drainage, driveway alignment, and temporary facilities  
4 that must be resolved by staff and the applicant before preliminary or final plat stage.

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6 **COMMISSIONER CLINE MADE A MOTION TO APPROVE PC-08-07(01).**  
7 **COMMISSIONER TAYLOR SECONDED THE MOTION. ROLL WAS CALLED AND**  
8 **THE MOTION PASSED ON A VOTE OF 6-0 WITH CHAIR TERRY, VICE-CHAIR**  
9 **BISHOP AND COMMISSIONERS DESOTO, THOMASON, CLINE, AND TAYLOR**  
10 **VOTING AYE. COMMISSIONERS SEEBECK, BECERRA AND BRYAN WERE**  
11 **ABSENT.**

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14 **Planning Issues**

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17 • **Downtown Master Plan Comments**

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19 Andy Alarcón advised the Commission that the DTMP draft has been received from the  
20 consultants. Staff has reviewed the draft and has provided comments to the  
21 consultants. He explained that the consultant will submit a revised DTMP draft to staff.  
22 Staff will provide the revised DTMP draft to the City Council and Planning and Zoning  
23 Commission simultaneously by the end of the month.

24  
25 • **CUP Quarterly Report**

26  
27 Chance Sparks gave a brief Status Report on Conditional Use Permits. He stated that  
28 the Planning Department has received nine CUP's during the 1<sup>st</sup> Quarter of 2008. He  
29 explained that 56% were related to on site consumption of alcohol, 33% involved  
30 requests for the use of metal on a building's exterior and the remaining open case  
31 involved construction of a duplex in a Mixed Use (MU) zoning district. Mr. Sparks  
32 mentioned that the processing time averaged only 14.8 days in the 1<sup>st</sup> Quarter of 2008.  
33 In 2007, the average was 27 days. He explained that CUP's require a 10-day legal  
34 notice to adjacent property owners, Commission meeting spacing and detailed analysis  
35 required for cases. Staff believes that 14.8 day processing time represents the likely  
36 peak processing efficiency and may not be sustainable for the long-term. Mr. Sparks  
37 pointed out the upcoming CUP cases and the three outstanding cases provided in his  
38 report.

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41 **Planning Director's Report**

42  
43 Cecil Pennington advised the Commission that a City Council CIP Budget Workshop  
44 was held on Saturday, April 19, 2008 to discuss the 1<sup>st</sup> and 2<sup>nd</sup> years. The 3<sup>rd</sup> year will  
45 be discussed during the City Council CIP Workshop on April 30, 2008. Mr.  
46 Pennington pointed out that the Planning Commission and citizen comments were  
47 taken into consideration.

1 Chance Sparks stated that the CIP will be presented to the Commission at the May 13,  
2 2008 Planning and Zoning Commission meeting and placed on the agenda for their  
3 recommendation to City Council on their May 27, 2008 Planning Commission meeting.  
4

5 Cecil Pennington thanked Janis Hendrix for her assistance at the meeting. He  
6 announced that Andy Alarcón was present for his last Planning Commission meeting.  
7 The Commission wished Mr. Alarcón the best of luck.  
8  
9

#### 10 **Commissioner's Report**

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12 Commissioner DeSoto mentioned that the Earth Day Celebrations were great.  
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14

#### 15 **MINUTES.**

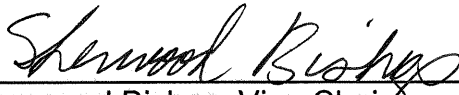
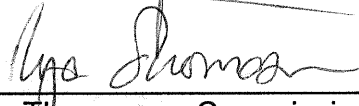
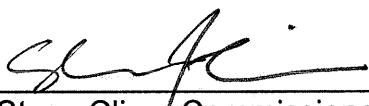
16  
17 **Consider approval of the minutes from the Special Workshop on April 2, 2008 and**  
18 **Regular Meeting of April 8, 2008.**  
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20 **VICE CHAIR BISHOP MADE A MOTION TO APPROVE THE MINUTES FROM THE**  
21 **SPECIAL WORKSHOP ON APRIL 2, 2008 AND REGULAR MEETING OF APRIL 8,**  
22 **2008 WITH AMENDMENTS. COMMISSIONER TAYLOR SECONDED THE MOTION.**  
23 **ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 6-0 WITH CHAIR**  
24 **TERRY, VICE-CHAIR BISHOP AND COMMISSIONERS DESOTO, THOMASON,**  
25 **CLINE, AND TAYLOR VOTING AYE. COMMISSIONERS SEEBECK, BECERRA AND**  
26 **BRYAN WERE ABSENT.**  
27  
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#### 29 **QUESTIONS FROM PRESS AND PUBLIC**

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31 No one wished to speak.  
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34 **COMMISSIONER THOMASON MADE A MOTION TO ADJOURN THE MEETING.**  
35 **COMMISSIONER TAYLOR SECONDED THE MOTION. ROLL WAS CALLED AND**  
36 **THE MOTION PASSED ON A VOTE OF 6-0 WITH CHAIR TERRY, VICE-CHAIR**  
37 **BISHOP AND COMMISSIONERS DESOTO, THOMASON, CLINE AND TAYLOR**  
38 **VOTING AYE. COMMISSIONERS SEEBECK, BECERRA AND BRYAN WERE**  
39 **ABSENT.**  
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1 THE MEETING ADJOURNED AT 6:45 P.M.  
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6 Fred A. Terry, Chair7   
8 Sherwood Bishop, Vice-Chair9   
10 Ryan Thomason, Commissioner11   
12 Bill DeSoto, Commissioner13   
14 Steve Cline, Commissioner15   
16 Bill Taylor, Commissioner

17 ATTEST:

18   
19 Francis Serna, Recording Secretary